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House Creates New Hurdle for Research Funding

One of the tactical wisdoms of the federal research bureaucracy is that if you can get an appropriation for a building, you're well on the way to getting some money for additional staff and programs—which perhaps accounts for the fact that in a government addicted to counting virtually everything, there has been a curious omission of an up-to-date inventory of federal research facilities.

The lack has now been corrected through a study prepared by the House Appropriations Committee, *Utilization of Federal Laboratories* (1204 pages, Part 7, Agriculture—Environmental and Consumer Protection Appropriations for 1975, available without charge from the Appropriations Committee, House of Representatives, Washington, D.C.) Growth-minded federal officials and their constituents in the research community should take careful note of the study and its genesis, for it is likely to serve as a difficult hurdle on the already complicated route between an ambition and a ribbon-cutting ceremony.

Though NSF took a once-over-lightly swipe at the subject with the issuance of a *Directory of Federal R&D Institutions* in 1970, that inventory not only is rather dated, but also lacked the sort of voluminous detail on floor space, cost, budget, staff, and so forth that cost-conscious congressmen enjoy tinkering with when funds are sought. The new study, prepared by the Committee's survey and investigations staff at the request of the appropriations subcommittee on agriculture—environmental and consumer protection, lays bare more than enough data for a congressman seeking reasons not to spend.

The study may appear to be an innocent exercise

in economizing, but as might be expected, there is more to it than that. The chairman of the subcommittee, Jamie L. Whitten (D-Miss.), has long been skirmishing with the Environmental Protection Agency (EPA) over its ban on DDT usage, since his cotton-growing constituents are fond of that pesticide. And so, in 1972, when EPA and the Food and Drug Administration (FDA)—another plague for Whitten—sought nearly \$100 million for new laboratories, Whitten asked—as is stated in the introduction to the committee's report—"if they had found any existing federal laboratories which were either underutilized or vacant. Neither agency had done so. When they tried to do so, at the subcommittee's request, it soon became apparent that there was no

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In Brief

AEC Chairlady Dixy Lee Ray has scotched rumors that she's about to resign to become President of Portland State College. She says she plans to stay on for the indefinite future.

Federal pay may lag behind industry's at the upper levels, but there are ways for government research organizations to reward their superstars. NASA, for example, has just awarded \$25,000, its biggest ever cash prize, to a 31-year veteran of government service in space and aeronautics, Richard T. Whitcomb, inventor of the supercritical wing.

The Committee on Nutritional Misinformation of the National Academy of Science's (NAS) National Research Council has good news for vegetarians: Properly diversified vegetarian diets, the Committee reports in a four-page statement, "Vegetarian Diets," "can give mixtures of about the same nutritional value as high-quality animal protein foods." The report recommends the addition of milk and eggs, and avoidance of total reliance on any one particular type of food. Copies available without charge: NAS, Food and Nutrition Board, 2101 Constitution Ave. Nw., Washington, D.C. 20418.

HEW reports considerable progress in establishing Professional Standards Review Organizations (PSROs) throughout the country to provide local peer review for medical services delivered under Medicare, Medicaid and child and maternal programs. Announcements will soon be made of the award of planning grants to about 100 of the 203 PSROs that are eventually to be established.

Ex-EPA Chief Lauds Opponent

The latest solicitation for funds from the Environmental Defense Fund includes a letter from William D. Ruckelshaus, who states that "through careful research and tough lawsuits, EDF has obtained tighter enforcement of environmental standards." Ruckelshaus should know, for when he was EPA Administrator he was successfully taken to court by EDF on a number of occasions, one of which—a suit which forced the government to review all uses of DDT—is even mentioned in the EDF handout as one of its major accomplishments.

Kennedy Foundation Awards \$1 Million for Ethics Chairs

Outside of energy-related research, growth points in academe are as scarce as cheerful vice presidents for finance. One minor exception, however, is biomedical ethics, which has evolved from periodic handwringing on the conference circuit to fairly well-supported institutes and programs egged on by real and imagined medical atrocities and a concomitant Congressional fascination with imposing the law on medicine.

Prominent among newly established organizations for such studies is the Joseph and Rose Kennedy Institute for the Study of Human Reproduction and Bioethics, which the Kennedy Foundation set up in 1971 at Georgetown University to reconcile Kennedy-style Catholicism with the march of modern medicine.

Since its creation, the Institute, with support from the Kennedy Foundation and several other philanthropic organizations, has assembled a staff of nine professionals in ethics, eight in population studies, and has worked out a collaborative research program with the Georgetown Medical School. Few of these appointments, however, have been guaranteed for any long

duration, since funding here, as elsewhere, has proven difficult.

But now the Kennedy Foundation has bestowed a special \$1-million grant on the Institute, with half the sum to be used to endow a Rose F. Kennedy Professorship in Christian Ethics, to which has been appointed the Rev. Richard A. McCormick, S.J., professor of moral theology at the Jesuit School of Theology, Chicago. A separate sum, drawn from the Institute's general funds, will support the Joseph P. Kennedy Sr. Professorship of Demography, to be filled by Conrad Taeuber, who retired last year as associate director of the US Census Bureau. And general funds will also be used to support a 5-year appointment as Joseph P. Kennedy Sr. Research Professor in Bioethics. This position will be filled by Leon R. Kass, a physician and Ph.D., formerly with NIH, who has published extensively on medical and ethical issues.

The remaining \$500,000 of the Kennedy Foundation grant has been set aside to provide a chair for a Protestant "ethicist," for whom a search is now underway.

HOUSE *(Continued from page 1.)*

listing of existing laboratories and their percentage of utilization. Without such a central listing, determination of duplication was almost impossible.

"The committee felt it was inappropriate to spend such a large amount of money for new laboratories without first establishing that no existing laboratories were available. Therefore, we denied the requests for new laboratories, pending completion of a study. . ."

The report goes on to state that "some disturbing things" were found, among them the absence of a current and comprehensive inventory, as well as the absence of any central monitoring point in the federal establishment.

Finally, the report includes a warning for federal officials whose agencies come under the subcommittee's jurisdiction: "The subcommittee expects to use this information extensively in considering any requests for laboratories which come before it in the future, and will expect agencies under its jurisdiction to have considered all alternatives before requesting new construction."

In regard to the requests from EPA and FDA, the committee's findings suggest that the two agencies were indulging in the step-at-a-time expansionist tactic referred to at the beginning of this article.

"The Food and Drug Administration District Laboratory in Chicago," it reports, "presently occupies laboratory facilities of 14,691 square feet with a total of 50 employees. Under a sectional laboratory concept, FDA proposed construction of a laboratory facility of 163,194 square feet for 400 employees. Even allowing for the possible consolidation in Chicago of Laboratories located in Minneapolis, Detroit, and Cincinnati, the new facility would provide triple the currently occupied space and double the personnel."

As for EPA, which is constructing a \$28-million National Environmental Research Center in Cincinnati, designed to house 1100 employees, the report states that "Under an EPA 5-year plan, only 800 to 900 employees are projected for the next couple of years and only 928 by FY 1978. In January 1974, EPA officials acknowledged that EPA was operating on a 'zero growth' budget and there were no additional slots for Cincinnati. Corollary to this, in FY 1971 EPA requested and received an appropriation of \$350,000 for a new laboratory facility at Newtown, Ohio, only four miles away—although this was for a fish toxicology laboratory subordinate to EPA's laboratory in Duluth, Minnesota. The Duluth facility, completed in 1972, was designed for 25 employees but is presently staffed by only 13. . ."

Congress Moves to Strengthen Information Act

Congress is now putting the finishing touches to legislation designed to put some teeth into the eight-year old Freedom of Information Act (FOIA), while the White House, alarmed at the idea of vast amounts of public information getting into the hands of the public, is quietly sounding out the prospects for a Presidential veto.

Both the House and the Senate have now passed bills to close some of the loopholes in the FOIA and, although some details remain to be sorted out, it is clear that the legislation will be unacceptable to the Administration, which fought long and hard to weaken the measure.

Although the FOIA, which was passed in 1966 over the opposition of the Johnson Administration, was supposed to open up government decision-making to public scrutiny by preventing agencies from arbitrarily withholding information, investigations conducted over the past couple of years by House and Senate subcommittees have turned up numerous examples of tactics which have successfully undermined the FOIA.

Among the more prominent tactics adopted by recalcitrant bureaucrats are overclassification of documents, the charging of grossly inflated fees to search out information—in one instance, the Department of Agriculture asked for \$92,000 to look up some documents; delaying action in requests until the information is no longer relevant (a particularly effective tactic against prying journalists) and simply turning down requests arbitrarily.

To prevent such abuses, the House and Senate bills both set rigid limits on the time that a government agency can take to respond to a request for information, and they set out procedures designed to expedite court review of freedom of information appeals.

The Administration doesn't object too strongly to those provisions, but it did try in vain to prevent Congress from adding an amendment to the FOIA which effectively takes away the Executive's right to be the sole arbiter of what information should be classified secret on grounds of national security. Both versions of the bill now contain a provision which allows federal courts to examine requested documents in secret, to determine whether or not classification is justified.

That provision was put into the bills chiefly to reverse a Supreme Court decision of January last year which ruled that the courts have no power to determine whether specific secret classifications are justified—all a judge can do is to determine that a document has in fact been stamped "secret." As Senator Edmund Muskie (D-Me.) pointed out during Senate debate on the bill, "One of the 17,364 authorized classifiers in the government could stamp the Manhattan telephone directory 'top secret' and no court could order the marking

changed."

Another important aspect of the Senate version of the bill, which was also fought by the Administration, would make available records of investigations carried out by government agencies for law enforcement purposes, unless public disclosure would interfere with court cases, invade personal privacy or reveal the identity of informers. The provision, which was proposed during the Senate debate on the bill by Senator Philip Hart (D-Mich.), would apply chiefly to FBI records, but it also includes investigatory files of such agencies as FDA and USDA.

Although the House bill doesn't contain such a

(Continued on page 4.)

...But Effect on R&D Unclear

One matter which will be left unresolved by present Congressional moves to strengthen the Freedom of Information Act (FOIA) is the extent to which information contained in applications for research grants is exempt from public disclosure.

An amendment, proposed, by Senator Robert Dole (R-Kansas) which would have excluded all "applications for research grants based on original ideas" was withdrawn pending resolution of a court dispute on the matter. If the court rules that research applications are not exempt from disclosure, however, Dole will probably propose his amendment to a health bill later this year.

Since research grant applications usually contain a description of how the research will be carried out as well as a statement of the objectives, most scientists tend to view with considerable alarm the prospects of having their applications made public because of fears that their research ideas will end up in the hands of competitors. Thus, when Judge Gerhard Gesell ruled in the District Court in November last year that NIMH research grant applications should be made public, it sent a tremor through the scientific community.

The court action was initiated by the Washington Research Project Inc., which was seeking information on research into drug treatment of children with learning disabilities. The Association of American Medical Colleges joined in the suit in behalf of the government, arguing that if the confidentiality of grant applications is not preserved, the peer review system at NIH could be destroyed.

Gesell's ruling is now being appealed, and a decision is expected within the next few weeks.

Hearings on the matter are also likely to be held by Senator Kennedy's health subcommittee or by his Judiciary Subcommittee on Administrative Practice and Procedure, and the health subcommittee in the House also has the issue under investigation.

AEC Expresses Pain at Rejection of Breeder Study

EPA's recent blistering critique of the AEC's draft environmental impact statement on the breeder reactor program evidently caught AEC officials by surprise for they were expecting a mild endorsement of their analysis from a companion agency in the Executive Branch.

The surprise is evident from a recent hurt letter which AEC Chairlady Dixy Lee Ray sent to EPA Administrator Russell E. Train, in which she said that she "cannot understand the way in which EPA handled its comments" on the impact statement and suggested that "surely there are more constructive ways of handling this and similar situations."

Ms. Ray was particularly upset that EPA had not warned the AEC in advance that it was going to pull to pieces many of AEC's arguments for pressing ahead with the breeder reactor program, and she added that she was "very surprised to receive EPA's highly critical and public

comments and a rating of inadequate, EPA's lowest rating."

The letter points out that the two agencies, which have had several differences of opinion in the past, had agreed on a "no surprise" policy and that AEC had supplied EPA with early drafts of the impact statement and had received "repeated telephonic assurance" when it was drafting the statement that EPA had found few problems with AEC's analysis.

Train has, however, replied to the letter by pointing out that at a meeting held between staffs of the two agencies last year, EPA officials identified 14 topics which should be considered, but only two were addressed in full in the impact statement.

He also pointed out that the most sensitive part of AEC's analysis, the cost-benefit study of the breeder program in relation to other energy options, was delivered to EPA in mid-March and so EPA couldn't have any input into that part of the study while it was being drafted.

It's not difficult to see why AEC is so sensitive about the matter, for EPA's critique was so damning that if the statement is amended to take account of EPA's criticisms, many of the chief justifications for the breeder program could be wiped out. On the other hand, if the statement isn't amended, environmentalists will have a excellent basis for challenging the program in court.

In Print

Listed are recent publications of more than routine interest.

US Energy Prospects—An Engineering Viewpoint, produced by a task force of engineers for the National Academy of Engineering, this down-to-earth, practicality-minded study casts serious doubt on the attainability of anything resembling the Administration's euphoric notions of energy "independence" by 1980, or even by 1985. Shortages of capital, manpower, water, public cooperation, and political determination put the goal beyond reach, according to the study. (141 pages, not yet available for general distribution, but will be soon. NAE, 2101 Constitution Ave. N.W., Washington, D. C. 20418).

Anticancer Agents Recently Developed in the People's Republic of China, based on a "thorough analysis of Chinese medical literature through 1965; produced and published under the auspices of NIH. (255 pages, \$2.00, Stock No. 1753-00017, US Government Printing Office, Washington, D. C. 20402.)

Basic Information on the Economic Generation of Energy in Commercial Quantities from Wind. Not since Don Quixote have windmills drawn so much attention. This report to the subcommittee on energy of the House Committee on Science and Astronautics was prepared by the College of Engineering of the Oklahoma State University and favorably describes the potential for exploiting windpower. It will eventually be published by the Committee, but in the meantime, copies are available from the College's Engineering Energy Laboratory, Stillwater, Oklahoma 74074.)

INFORMATION (Continued from page 3.)

provision, House committee aides told SGR that it is almost certain to be included in the final version of the bill when it eventually emerges from conference committee.

Finally, one of the most important provisions in the Senate bill—but again not in the House version—would hold government officials individually responsible for decisions to withhold information which has been requested by members of the public. The bill specifies that if a court finds that information has been denied unreasonably, the responsible government official could be given a civil penalty of up to 60 days suspension.

The bill is now under discussion in a conference committee, but already the White House is quietly canvassing government agencies for their views on a possible Presidential veto. Senator minority leader Hugh Scott (R-Pa.) has already stated that he may support a veto, and Senator Roman Hruska (R-Neb.) has even recommended such a measure to President Nixon.

Chief sponsor of the measure in the Senate is Senator Edward Kennedy (D-Mass.) and in the House, Rep. William Moorhead (D-Pa.).

Dissident Advisers No Longer Suffer in Silence

Throughout most of the postwar period, science advisory groups serving the federal government almost invariably abided by the Politboro rule of arguing in private but uniting in public. As a result, there was rarely any leakage or publicizing of disputes within these bodies, and the stage was thereby set for neutralizing opponents by inviting them in and then affixing their names to reports and recommendations that were pushed through by handpicked majorities.

However, as the scientific community has experienced an expansion of both numbers and diversity of social values, the old rules of good behavior are being increasingly breached, as was the case three years ago when IBM's Richard Garwin, long a senior White House adviser, undertook a study of the SST for the Office of Science and Technology, and then conveyed his dismaying conclusions to a congressional committee. More recently, staff and members of the National Academy of Sciences went outside official channels to make public the Academy's study of herbicide damage in South Vietnam (SGR Vol. IV, No. 11) before the Defense Department, which financed the study, could lay its obfuscating hands on the report.

The latest case involves a 32-year-old Ph.D. oceanographer, James B. Sullivan, co-director of the Center for Science in the Public Interest, who, fearing that the National Academy of Sciences would produce a whitewash report on the effects of marine oil pollution, used his position as a member of the NAS study group to leak a draft report to columnist Jack Anderson. The 405-page draft, titled "Inputs, Fates, and Effects of Petroleum in the Marine Environment," is conspicuously stamped, "Privileged Information. This is a working draft for internal use only and it bears no official endorsement. Do not quote or cite. . . .Draft. . . .Not for Publication."

Anderson subsequently produced three columns which pointed out that, while the report specifies some of the damage produced by marine pollution, "...the academy has deleted a crucial section on the cancer threat from oil dumping. Scientists from Shell and Chevron oil companies will help prepare the final report. Therefore, we have decided to publish the findings before they are watered down." Charging that a "powder-puff statement" replaced an original warning about hazards to human food supplies, Anderson bore down hard on the presence of oil industry scientists on the 60-member study group that met in May 1973 for a workshop preparatory to the drafting of the report.

Academy officials have summoned up their most hurt reactions to assail the leakage and subsequent publication, with Richard C. Vetter, executive secretary of the NAS Oceans Affairs Board, contending that Anderson's charges are erroneous in substance and that the six-member steering committee respon-

sible for writing the report includes only one oil company employee.

Sullivan, however, has no regrets about his role in exposing the report or the manner in which Anderson treated the material. He points out that he realizes that a good deal of research remains to be done on the extent of health hazards from marine oil pollution, but that sufficient evidence exists for expressing concern, rather than issuing a statement, under the NAS's prestigious imprint, that the oil companies can exploit to mislead the public.

Sullivan emphasizes that he chose to go public only after unsuccessfully arguing that the report should present a realistic picture of what is known about the hazards.

The Center for Science in the Public Interest (1779 Church St. Nw., Washington, D.C.) that Sullivan co-directs is one of the more effective outcroppings of scientific concern about the social responsibility of scientists and engineers. Supported by gifts, grants, and revenues from publications, it operates on a shoestring, and though its influence is increasingly felt in federal agencies concerned with scientific and technical matters, it is still a tiny outfit and needs all the help it can get from those who sympathize with its objectives.

Finally, those who believe that the issue of advisory committee manipulation has been interred through enactment of the Federal Advisory Committee Act should note that federal agencies have become quite skillful at evading the intent of the Act, which is to open advisory proceedings to public scrutiny. By squeezing through the few loopholes that were written into the Act to allow for closing meetings in exceptional circumstances, federal agencies have equipped themselves with means for doing pretty well as they please.

Mesthene Takes Rutgers Post

Emanuel G. Mesthene, former director of the Program on Technology and Society that IBM supported and then prematurely terminated at Harvard, has been appointed professor of philosophy and dean of Rutgers University's Livingston College.

The Harvard program, which was the biggest of its kind when it got underway there in 1964, was aborted two thirds of the way through its 10-year lifespan amidst general nastiness as to who had knifed whom. Supporters contended that the Harvard mafia had scuttled the program because a good deal of the money was granted to persons outside of Cambridge. Detractors claimed that the quality of publications from the program left something to be desired.

NSF Sets up Technology Agent System in 27 Communities

An even dozen years after the idea was first seriously raised in Washington, the federal government is going ahead with a scheme to assign "technology agents" to interested local governments to promote the dissemination and application of technologies that might be useful for dealing with public problems.

As might be expected, however, the program is dominated by a cautious toe-in-the-water approach and a table of organization suitable for building a colony in space.

The idea was originally raised by Herbert Holloman, the first appointee to the Kennedy-created position of Assistant Secretary of Commerce for Science and Technology, but congressmen fearing unspecified evil intent, shot the scheme to pieces.

As resurrected, the National Science Foundation, through its Experimental R&D Incentives Program, has provided \$4.2 million to try out the program in 27 communities over a three-year

period. Operation of the program was contracted to a Washington-based non-profit organization, Public Technology, Inc. (PTI), which, in turn, hired Arthur D. Little, Inc., to select the agents. Each agent, according to an NSF announcement, "will occupy a staff position reporting to the chief executive officer of the community." In each case, the agent will be linked to a nearby "backup organization," in most cases a high-technology industrial firm or a university. The purpose, NSF says, is to provide the community "a spectrum of technical capabilities related to the kinds of problems it faces, which could range from road potholes to departmental productivity." The funds provided by NSF will be supplemented by financial support from the communities, PTI, and the backup organizations.

Most of the agents have 10 to 15 years experience in research and development, and advanced degrees in science, engineering, business, or public administration.

Kennedy-HEW Race on to Set Ethical Regulations

The Kennedy-inspired move to create a national commission on human experimentation, which was approved last week by a Senate-House conference committee, has upstaged HEW's own attempts to strengthen regulations governing clinical research and has caused some confusion at NIH, where strict controls on research involving prisoners, fetuses, children and the mentally infirm are being worked out.

Ever since it came to light that the federal government has funded such ethically bankrupt pieces of research as the Tuskegee syphilis study, the clamor for reform of governmental regulations has met with a sympathetic reception in the health subcommittees on Capitol Hill, while HEW has been trying to head off Congressional action by maintaining that it has the matter well in hand and that suitably amended research regulations would be forthcoming.

To that end, HEW published in the May 30 *Federal Register* a set of strengthened regulations which will now be applied to all clinical research supported with HEW money, and announced that regulations governing the more controversial areas of research on "the prisoner, the child, the fetus, the abortus, and institutionalized individual with mental disability" would be published by the end of July.

The May 30 regulations, in short, require institutions which receive HEW grants and contracts to establish review committees to oversee experiments which involve human subjects. The committees, which would draw their membership from a variety of disciplines, would have to ensure that any risks

are outweighed by benefits to the subjects and by the importance of the knowledge to be gained. They would also make sure that participants give legally effective, informed consent to take part.

Publication of the regulations was timed to coincide with the conference committee's discussion of the proposal to establish a national commission on human experimentation, and it was at least partly designed to convince committee members that such a move is unnecessary. But the conferees approved the proposal anyway, on June 6.

The commission will be charged with the task of drawing up regulations governing all HEW-funded clinical research and it will also conduct a study of the use of psychosurgery during the past five years. It will recommend policies and regulations to the secretary of HEW.

The bill also imposes a temporary ban on HEW-funded research on living fetuses, before or after abortion, for a period of four months, in which time the commission will draw up regulations governing fetal research. That provision has at least headed off more restrictive moves by anti-abortionists to impose a permanent ban on such research.

In the meantime, HEW's new regulations are due to be put into effect on July 1, and NIH officials drawing up controls on research on children, fetuses, prisoners and the mentally infirm say that in the absence of any directive to the contrary, they assume that they will still be meeting the July 31 deadline.

Cuts Delayed on DoD's Independent R&D Funds

Congressional budget cutters have been forced to defer for a year a frontal attack on the Pentagon's Independent Research and Development Program (IR&D), which enables defense contractors to charge off as overhead research and development activities which they initiate themselves and which may be totally unrelated to the contract work.

Last year, Senator William Proxmire (D-Wisc.) offered an amendment to the DoD appropriations bill to cut IR&D funds in half, but he withdrew the measure to allow the General Accounting Office (GAO) time to conduct an investigation of IR&D funding (SGR Vol. III, No. 18).

GAO couldn't produce a full report in time for this year's appropriations cycle, however, and so Proxmire may hold off until the 1976 DoD budget comes before Congress.

In the meantime, however, defense contractors are gearing up to defend IR&D, the Department of Defense has set up a task force to study the matter, and within a few days, Presidential Science Advisor H. Guyford Stever will get together with industry representatives to discuss government policies with respect to IR&D. Although DoD is the chief provider of such funds, NASA and AEC also have some IR&D programs.

According to the GAO's preliminary findings, last year DoD funded some \$819 million of IR&D—a figure which is greater than the entire budget of the National Science Foundation. Although that amount is in excess of the \$738 million spent in 1972, part of the increase is due to changes in accounting procedures which have tended to underestimate IR&D

funding in the past. According to Senator Thomas McIntyre (D-N.H.), chairman of the research and development subcommittee of the Senate Armed Services Committee, the funding level has remained approximately static for the past several years.

A measure of concern among defense contractors at the possible loss of IR&D funds is the fact that three industry associations—the Aerospace Industries Association of America, the Electronic Industries Association and the National Security Industrial Association—recently published a massive study defending IR&D funding. Attacks on IR&D, the industry associations said, “are threatening the maintenance of US pre-eminence in high technology and industrial competitive capability as well.”

Proxmire, however, takes a different viewpoint. He said during Senate debate on DoD's budget last year, for example, that “this program is a backdoor boondoggle and ought to be eliminated altogether.”

Court to Hear Copyright Case

The Supreme Court has decided to hear a groundbreaking copyright case, the outcome of which, according to the courtroom rhetoric of each side, could either destroy some scientific journals or severely impede the course of research.

The case, brought by a Baltimore publishing company, Williams and Wilkins, against the National Library of Medicine, involves widespread photocopying of books and journal articles by libraries—a practice which publishing companies say is destroying the profitability of journals and forcing some marginal publications into bankruptcy, and which scientists and libraries defend as an integral part of scientific research and vital to the dissemination of information.

The publishers won the first round of the court battle, but suffered a reversal at the hands of the full Court of Claims last year. The case will probably be argued late this year and a decision isn't likely until next spring at the earliest.

NSF Appoints Engineering Chief

Thomas P. Meloy, vice president for research and development, Meloy Laboratories, Springfield, Va., has been appointed division director for engineering of the National Science Foundation. With an annual budget of \$38 million, the division supports about 700 grants a year, and has lately become richer and more influential as NSF broadens its activities in applied research. Meloy, who will resign his position with the company, succeeds acting division director Israel Warshaw, who resumes the post of duty division director.

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EPA Yields on Filing Impact Statements

Considered by the Administration and important elements in Congress as a hotbed of nuts who are oblivious of the real problems of the country, the Environmental Protection Agency (EPA) remains faithful to a legislative charter that was written in simpler times. A case in point—one that has produced outrage across Washington—is EPA's recent rejection of the Atomic Energy Commission's environmental impact statement on the fast-breeder reactor as technically inadequate and insufficient.

But now and then, EPA shrewdly yields a point or two so as to avoid the appearance of being blindly dedicated to performing its duties, and that's what it has now done on the curious question of whether the agency responsible for reviewing the environmental impact statements of other agencies—i.e., EPA—must also prepare impact statements on the impact of its decisions.

EPA has said that it is exempt from the impact provision of the National Environmental Policy Act of 1969, and Federal courts of appeals have ruled that EPA, unlike other federal agencies, is not required to assess the impact of its activities, which is a bit of a blessing, since the preparation of these statements usually absorbs vast amounts of time and provides lots of data for the opposition.

Congress, however, is eager to throttle EPA—but without leaving any fingerprints behind—and last year, in an apparent gesture of generosity, it bestowed \$5 million upon EPA to finance the preparation of EPA impact statements. Behind the move was Rep. Jamie L. Whitten, a Mississippi Democrat whose cotton-growing constituents have been hit hard by EPA's ban on DDT.

EPA remained aloof from Whitten's gift, but since he is chairman of the appropriations subcommittee that handles its funds, the agency decided to adopt more of a cooperative stance after Whitten

Accelerator Lab Fixes the Record

With a sensitivity akin to that of its particle detectors, the newly dedicated Fermi National Accelerator Laboratory (NAL) recoils at mention of the fact that its presence at the budgetary trough has been to the detriment of older accelerators, some of which have been placed on short rations to help sustain the giant at Batavia, Ill.

Evidence of this sensitivity comes through in the official transcript of the dedication ceremony NAL held May 11, at which Rep. Melvin Price (D-Ill.), chairman of the Joint Committee on Atomic Energy, apparently thought he was speaking pleasing words to the assemblage when he lamented the shortage of funds for high-energy research. "The data developed during our hearings this year," he said, "indicated that three of the four high-energy labs are at a level of near 50 percent of their most productive utilization. Only the National Accelerator Laboratory is near the optimum level of operation, but still only at 90 percent of optimum."

In the NAL-prepared official transcript, Price's remark is followed by a footnote which states: "It has been requested that this sentence be changed to read: Although it is true that the National Accelerator Laboratory operates its accelerator 90 percent of the time, the funding for experimental work there is also at the 50-percent level."

reminded it recently that the money was still there. Consequently, EPA has announced that, on a voluntary basis, it will henceforth prepare impact statements on many of the major issues within its jurisdiction.

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